

### REMARKS

Claims 1-49 were presented for examination and were pending in this application. In the latest Office Action, claims 1-49 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,889,860 to Eller et al. in view of U.S. Patent No. 6,374,355 to Patel. With this amendment, claims 1, 21, 22, 30, 36, and 44 are amended.

Applicant thanks the examiner for conducting a telephonic interview with Applicant's representative Robert Hulse and with Steven Stewart on April 16, 2004. During this interview, the pending rejection of all claims under the combination of Eller and Patel was discussed. In the course of the interview, distinctions between the claimed invention and the cited references were discussed. Specifically, Applicant's representative argued that the cited art does not disclose or suggest removing segments from an assembly of information-bearing sounds or dividing a digital sound file in the manner recited in the claims. In the course of the interview, Applicant's representative suggested adding the claim language that has been added with the present amendment.

The examiner suggested that the Applicant file a written response setting forth the amendments discussed. In addition, the examiner was requested to consider arguments related to dependant claim limitations, including those related to different communication channels, use of a data supplement, and encryption based on removed segments, each of which is more fully laid out in the Appeal Brief previously submitted in this application.

It is believed that the application is in condition for allowance of all claims, and therefore a Notice of Allowance is respectfully requested. If the Examiner believes that for any reason direct contact with Applicant's representative would help advance the

prosecution of this case to allowance, the Examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,  
TIMOTHY R. BRATTON

Date: Apr. 16, 2004

By: Robert A. Hulse  
Robert A. Hulse, Reg. No. 48,473  
FENWICK & WEST LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel: (415) 875-2444  
Fax: (415) 281-1350